

House Resolution 335

By: Representatives Butler of the 18th, Harbin of the 118th, Roberts of the 154th, and Levitas of the 82nd

A RESOLUTION

Proposing an amendment to the Constitution so as to provide for the issuance of subpoenas by the legislative branch of government to require the testimony of witnesses and the production of documents; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IV of the Constitution is amended by adding a new Paragraph XII to read as follows:

"Paragraph XII. *Issuance of subpoenas.* (a) The chairpersons and vice chairpersons of the Senate and House appropriations committees may issue subpoenas to witnesses to compel them to give sworn testimony or produce documents or both before the appropriations committees or the subcommittees thereof. A subpoena issued under this Paragraph may be served anywhere in Georgia. Other officers of the General Assembly may be authorized by general law to issue subpoenas in the same manner.

(b)(1) Any person who willfully fails to comply with a subpoena issued under this Paragraph or who, having appeared, refuses to answer any question pertinent to the matter under inquiry shall upon conviction be guilty of a misdemeanor.

(2) Upon the failure of a person under subpoena to appear or answer pertinent questions, the chairperson issuing the subpoena shall make a certification of such fact to the appropriate prosecuting attorney who shall have the duty to promptly investigate and prosecute any violation of this Paragraph.

(c) Service of subpoenas issued under this Paragraph shall be made by any person appointed for such purpose by the presiding officer of the Senate or the House of Representatives.

(d) Witnesses appearing under subpoena shall be entitled to witness fees in the same manner as provided by law for witnesses in civil actions in the courts.

27 (e) The Secretary of the Senate and the Clerk of the House of Representatives shall
28 provide subpoena forms and shall keep permanent records of the issuance of subpoenas,
29 the return of service thereof, and the issuance of certifications under subparagraph (b)(2)
30 of this Paragraph."

31 **SECTION 2.**

32 The above proposed amendment to the Constitution shall be published and submitted as
33 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
34 above proposed amendment shall have written or printed thereon the following:

35 "() YES Shall the Constitution of Georgia be amended so as to provide for the
36 issuance of subpoenas by the legislative branch of government to require the
37 () NO testimony of witnesses and the production of documents?"

38 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
39 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
40 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
41 become a part of the Constitution of this state.